

1 WILMER CUTLER PICKERING HALE AND DORR LLP

Seth P. Waxman

2 Randolph D. Moss

Todd Zubler

3 Brian M. Boynton #222193

2445 M Street, N.W.

4 Washington, D.C. 20037-1420

5 BAKER, MANOCK & JENSEN

Robert D. Wilkinson #100478

6 5260 North Palm Avenue, Suite 421

Fresno, California 93704-2209

7 Counsel for Defendant THE CALIFORNIA TABLE GRAPE COMMISSION

9 LAW OFFICES OF BRIAN C. LEIGHTON

Brian C. Leighton #090907

10 701 Pollasky Avenue

Clovis, California 93612

11 Counsel for Plaintiffs DELANO FARMS COMPANY, THE SUSAN NEILL COMPANY, and
12 LUCAS BROS. PARTNERSHIP

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 DELANO FARMS COMPANY,)

16 a Washington corporation,)

THE SUSAN NEILL COMPANY,)

17 a California corporation,)

LUCAS BROS. PARTNERSHIP,)

18 a California Partnership,)

19 Plaintiffs,)

20 v.)

21 THE CALIFORNIA TABLE)

GRAPE COMMISSION,)

22 Defendant.)

Case No. CV-F-96-6053 OWW DLB

STIPULATED REVISION TO SCHEDULE
AND PROPOSED ORDER

24 WHEREAS on June 22, 2005, the parties to this action submitted a Joint Status Report
25 setting forth a proposed schedule for resumption of the litigation following the Supreme Court's
26 decision in *Johanns v. Livestock Marketing Ass'n*, 125 S. Ct. 2055 (2005);

1 WHEREAS on August 26, 2005, the parties submitted a revised joint scheduling proposal,
2 which was adopted by the Court in an order dated August 31, 2005;

3 WHEREAS the schedule adopted by the Court on August 31, 2005 subsequently has been
4 modified by the Court at the request of the parties;

5 WHEREAS the current schedule calls for the parties to file statements of stipulated or
6 undisputed facts and motions for summary judgment on February 24, 2006, to file oppositions to
7 motions for summary judgment on March 24, 2006, and to file replies in support of motions for
8 summary judgment on April 7, 2006;

9 WHEREAS the Commission shared with Plaintiffs its proposed Statement of Undisputed
10 Facts on January 18, 2005, the parties have worked to narrow the factual issues in dispute, and the
11 parties continue to make progress narrowing the disputed factual issues;

12 WHEREAS professional commitments of counsel for Plaintiffs have made adherence to the
13 current schedule difficult; and

14 WHEREAS counsel for the parties have conferred and agree that a modification of the
15 current schedule will facilitate further discussions to narrow the factual issues in dispute and will
16 facilitate effective briefing of a motion or motions for summary judgment;

17 IT IS HEREBY STIPULATED by the parties to this action, through their respective
18 attorneys of record, that the following revisions be adopted by the Court:

19

Event	Revised Date
Statements of Facts Filed with the Court	March 17, 2006
Motions for Summary Judgment Filed	March 17, 2006
Oppositions to Motions for Summary Judgment	April 13, 2006
Replies to Motions for Summary Judgment	May 5, 2006

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1 Dated: February 8, 2006

WILMER CUTLER PICKERING
HALE AND DORR LLP
Seth P. Waxman
Randolph D. Moss
Todd Zubler
Brian M. Boynton

BAKER, MANOCK & JENSEN
Robert D. Wilkinson
Joshua S. Daniels

7 /s/ Brian M. Boynton
8 By _____
Brian M. Boynton

9 Counsel for Defendant THE CALIFORNIA TABLE
10 GRAPE COMMISSION

11 Dated: February 8, 2006

LAW OFFICES OF BRIAN C. LEIGHTON

13 /s/ Brian C. Leighton (as authorized 2-8-06)
14 By _____
Brian C. Leighton

15 Counsel for Plaintiffs DELANO FARMS COMPANY,
16 THE SUSAN NEILL COMPANY, and LUCAS
BROS. PARTNERSHIP

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated: __February 9, 2006

/s/ OLIVER W. WANGER____
Oliver W. Wanger
United States District Judge